

Think Piece No. 6

The changing face of security provision: commercial security providers and the privatisation of security

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The challenge

Commercial private security is burgeoning across the African continent. Unlike the high profile roles and widely publicised abuses associated with international contractors in contexts such as Iraq and Afghanistan, the expansion of private security across Africa is taking place largely under the radar screen of democratic oversight and accountability. A distinction can be drawn between private security companies (PSCs), largely responsible for the protection of goods and persons, and private military and security companies (PMSCs) with a focus on tasks such as material and technical support to armed and security forces, strategic planning or training. However, this distinction is not always helpful due to the necessarily demand-driven nature of the industry which sees companies evolve in response to changing threats (such as piracy) or opportunities such as increasing demand from clients (e.g. the extractives sector). In regard to international PMSCs, debate over this phenomenon in Africa is frequently complicated by the common association of this industry with the long history of mercenarism on the continent.

From a security sector governance perspective, there is a lack of knowledge or understanding of the scale of the private security industry in Africa, its activities or the potential implications for the security of the state and its citizens. A facile assumption that private security is simply filling gaps in inadequate public security provision is fuelled by a lack of quantitative information or qualitative analysis from within African states, and in some cases by obstructive political and security elites with a stake in these enterprises. As a consequence, human rights abuses occur with impunity and wider security risks posed by unregulated private security remain unaddressed. Innovative international 'soft law' initiatives such as the Montreux Document and the International Code of Conduct have the potential to support more effective private security regulation in Africa. However, the central challenge is one of weak or non-existent oversight and accountability at the national level.

Implications for SSR/G

The state neither knows nor understands who is providing security on the national territory: The conclusion that can be drawn from regional conferences involving 32 African states that took place in Dakar in 2014 and Addis Ababa in 2015 is that there is very limited awareness of the private commercial actors providing security in Africa. Issues such as the size and scope of the domestic industry, its use and management of weapons or training and vetting practices, remain a grey area. If this has implications for good security sector governance across the continent, it poses particular challenges to peace and security in post-conflict contexts where private security represents a natural career move for demobilised ex-combatants.

There is a blurring of roles and responsibilities between public and private security: A lack of transparency on ownership structures or procurement decisions is problematic when senior security officials or government ministers have undeclared interests in PSCs. There is also a problematic confusion of roles when private companies are given tasks which may be more appropriate to public security – such as protecting critical infrastructure or training national armed forces. The phenomenon of police officers 'moonlighting' as guards also raises a number of challenges in defining respective roles, responsibilities and rules of engagement.

Private security can result in greater security for those that can pay, displacing insecurity to the poor: The inability of public security forces in many parts of Africa to deliver security to people has presented an opportunity for both domestic security companies and big international players. This presents a clear risk of exacerbating the human security gap by further reinforcing inequalities between rich and poor and displacing (rather than reducing) both actual crime as well as a general sense of insecurity within populations.

Despite featuring in SSR/G policy frameworks, in practice security privatisation is an ‘orphan issue’: Initiatives to understand and promote greater accountability of the private security sector fall somewhere between business and human rights and SSR/G discourses. As a ‘niche’ issue on which both relevant expertise and awareness of the issues is limited, it is very hard to move from acknowledging the issue in policy frameworks (as does the AU, ECOWAS, OECD DAC and UN) to developing programmatic responses in this field.

Entry points for engagement

Foster African research capabilities: Existing research on private security largely comes from Europe and North America with a strong focus on the international industry. Building research capacity in Africa is essential in order to develop an evidence base that can serve as a wakeup call on security and human rights challenges and thus make a compelling case for the need for change at the national level and with external partners.

Develop the necessary legal and policy frameworks to promote better oversight and accountability: The rapid growth of the private security sector has outpaced legislation in this area. Moreover, policy frameworks tend to address private security from a technical perspective rather than taking into account security and human rights risks particular to this industry. These gaps offer a clear entry point to develop guidance and tools that can be used to address gaps in oversight including on specific issues such as procurement, vetting and training requirements.

Support capacity building of security sector management and oversight bodies: The private security industry presents particular challenges in terms of oversight and accountability. It is particularly important (and occurs rarely in practice) to engage in capacity building within a multi-stakeholder approach to generate shared understandings and break down barriers between national authorities, companies and civil society. Moreover, South-South experience sharing between regulators or legislators offers an important, under-emphasised opportunity to promote better practices.

Empower civil society and create network effects at regional and continental levels: Civil society has a key role to play in identifying challenges and raising awareness of concerns surrounding private security. Moreover, in the framework of the International Code of Conduct, civil society has a formal monitoring function, creating a potential ‘win-win’ of giving voice to local civil society organisations while at the same supporting implementation of this international initiative on the ground. The ability to share relevant lessons and approaches will be greatly improved if these actors can be networked at regional and continental levels.

Leverage international initiatives to create momentum for change: Over recent years, this issue has seen an important process of norms and standards setting at the international level: the Montreux Document on obligations under international law and good practices for states and the International Code of Conduct for companies. There is also a spillover effect with the African Union seeking to update the OAU Convention on mercenarism to reflect the realities of the modern PMSC industry while the ECOWAS Commission is considering encouraging member states to support the Montreux Document as part of its wider SSG policy. These developments can be exploited to generate behaviour change through a combination of incentives (exchange of good practices, reputational benefits) and conditionalities (e.g. clients of private security insisting on ICoC membership as a basis for contracts).

Questions for discussion:

1. How to make security privatisation and the need for effective regulation a public policy issue at national, regional and continental levels?
2. How to ensure human-rights based approaches that protect citizens while also safeguarding the rights of private security company personnel?
3. How to identify, engage with and build civil society networks to support oversight and accountability of the private security sector in Africa?
4. How to link private security issues to wider security sector governance and reform issues?